

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FILED

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U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

SALLY S. TRUITT; BETTY J. SHARP;)
BEN R. LONG; DENNIS MATTHEW)
LONG, IV, TENNESSEE PLEASANT)
PROPERTIES, LLC; VULCAN)
CONSTRUCTION MATERIALS, L.P.,)
VULCAN LANDS, INC.; and VULCAN)
MATERIALS COMPANY,)

No. 3:04-cv-545

Plaintiffs)

v.)

CITY OF MARYVILLE, a Municipal)
Corporation located in Blount County,)
Tennessee,)

Defendant)

AGREED ORDER

The Plaintiffs in this action filed, on December 22, 2006, a Motion to Amend their Complaint, and a copy of the Plaintiffs' proposed First Amended Complaint for Declaratory Judgment was attached to the motion. The Plaintiffs also filed, on December 22, 2006, a Motion to Exceed Interrogatory Limit of Federal Rule of Civil Procedure 33, and the Plaintiffs attached to the motion proposed interrogatories to be served upon the Defendant. In consideration of the agreements, set forth below, the Defendant does not oppose the Plaintiffs' Motion to Amend the Complaint or the Motion to Exceed the Interrogatory Limit of Federal Rule of Civil Procedure 33. The parties have agreed that the Defendant shall have up to and including January 31, 2007 for the Defendant to respond to the Plaintiffs' First Amended Complaint and the interrogatories attached to the Plaintiffs' Motion to Exceed Interrogatory Limit of Federal Rule of Civil Procedure 33.

Plaintiffs have also served upon the Defendant the Plaintiffs' First Request for Production of Documents, and the parties have agreed to allow the Defendant up to and including January 31, 2007 for the Defendant to respond to the Plaintiffs' First Request for Production of Documents.

The Plaintiffs have also served upon the Defendant, the Plaintiffs' Requests to Admit, and the parties have agreed that the Defendant shall have up to and including January 19, 2007 for the Defendant to respond to the Plaintiffs' Requests to Admit.

This Court also entered on December 15, 2004 a Scheduling Order which provided that the parties would have until January 24, 2007 to file dispositive motions, including motions for summary judgment. The parties have agreed to extend this deadline up to and including February 14, 2007 in order to allow the parties to exchange discovery to be used in connection with anticipated motions for summary judgment or other dispositive motions.

It appearing to the Court that the parties have agreed to the aforementioned motions and discovery and scheduling deadlines, it is hereby,

ORDERED, ADJUDGED and DECREED as follows:

1. The Plaintiffs' Motion to Amend Complaint is hereby granted. The Defendant shall have up to and including January 31, 2007 to file an Answer or otherwise responsively plead to the Plaintiffs' First Amended Complaint for Declaratory Judgment.

2. The Plaintiffs' Motion to Exceed Interrogatory Limit of Federal Rule of Civil Procedure 33 and to serve the interrogatories attached to its motion is hereby granted. The Defendant shall have up to and including January 31, 2007 to respond to the Plaintiffs' interrogatories.

3. The Defendant shall have up to and including January 31, 2007 to respond to the Plaintiffs' First Request for Production of Documents, which was served on or about December 22, 2006.

4. The Defendant shall have up to and including January 19, 2007 to respond to the Plaintiffs' Requests to Admit, which were served on or about December 12, 2006.

5. The Scheduling Order entered by this Court on December 15, 2004 is hereby amended to allow the parties up to and including February 14, 2007 to file motions for summary judgment or other dispositive motions in this case.

ENTER this 29 day of January, 2007.

H. Bruce Gorton
U.S.M.J.

~~Judge James H. Jarvis~~
~~United States District Judge~~

APPROVED FOR ENTRY:

**WATSON, ROACH, BATSON, ROWELL
& LAUDERBACK, P.L.C.**

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